

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 8, 2016

**SUBJECT:** BZA Case 19206 (1300 Pennsylvania Avenue, S.E.) for variances to allow the addition of a third floor to an existing building

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **denial** of the following variances:

- § 771, Floor Area Ratio (1.5 residential and 2.5 total permitted; 2.0 residential and 3.0 proposed);
- § 772, Percentage of Lot Occupancy (60 percent residential permitted; 100 percent proposed); and
- § 774, Rear Yard (15 feet required; none proposed);

OP would recommend **approval** of the following variances to allow the applicant to modernize the existing building in conformance with the FAR, lot occupancy and minimum rear yard as prescribed by the C-2-A zone, should the applicant elect to do so:

- § 2101, Off-Street Parking (2 spaces required; none proposed); and
- § 2001.3, Enlargements or Additions to Nonconforming Structures.

**II. LOCATION AND SITE DESCRIPTION**

Address	1300 Pennsylvania Avenue, S.E.
Applicant	1302 Pennsylvania Avenue SE, LLC
Legal Description	Square 1043, Lot 122
Ward; ANC	Ward 6; ANC 6B
Zone	C-2-A: Low to moderate density commercial
Lot Characteristics	Corner lot with no alley access
Existing Development	Two-story mixed use building with commercial on the ground floor and an apartment above

Adjacent Properties	North: Row houses South: Across Pennsylvania Avenue, mixed-use and apartment buildings East: Five-story residential and commercial building West: Across 13 <sup>th</sup> Street,
Surrounding Neighborhood Character	Mixture of commercial and residential uses.
Proposed Development	Addition of third floor and two apartment units

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone: C-2-A</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 770	50-foot max.	20 feet	30 feet	None Required
Lot Width	None prescribed	32 feet	32 feet	None Required
Lot Area	None prescribed	1,187 sq. ft.	1,187 sq. ft.	None Required
Floor Area Ratio § 771				
-Commercial	2.5 max.	1.0	1.0	None Required
-Residential	1.5 max.	1.0	2.0	<b>Required</b>
- Total FAR	2.5 max.	2.0	3.0	<b>Required</b>
Lot Occupancy § 772				
-Commercial	100% max	100%	100%	None Required
-Residential				
-Second Floor	60% max.	100%	100%	None Required
-Third Floor	60% max.	None	100%	<b>Required</b>
Rear Yard § 774	15-foot min.	None	None	<b>Required</b>
Off-Street Parking § 2101	4 spaces min.	None	None	<b>Required</b>

The applicant proposes to renovate the existing building, retaining commercial use on the first floor and within the cellar. A trash room would be added to the first floor to service the building, relocating the existing refuse storage area from the sidewalk to the interior of building. The one existing residential unit on the second floor would be divided into two apartments, and two additional apartments would be constructed on a new third floor, for a total of four dwelling units.

**IV. OFFICE OF PLANNING ANALYSIS**

- a. Variance Relief from § 771, Floor Area Ratio, § 772 Percentage of Lot Occupancy and § 774, Rear Yard**
  - i. Exceptional Situation Resulting in a Practical Difficulty**

The existing building on the site is nonconforming on the second floor for lot occupancy and rear yard. There is no rear yard and one apartment occupies the entire second floor of the building, resulting in residential lot occupancy of one hundred percent. As the building was constructed prior to 1958, the lack of a rear yard on the second floor may continue and the applicant may continue to use the building as currently configured. However, the addition of a third floor identical in size and shape to the existing second floor for residential use results in the need for:

- Rear yard relief, as none would be provided;
- FAR relief as the residential FAR would increase to 2.0, in excess of the maximum of 1.5; and
- Lot occupancy relief, as this new residential floor would exceed the maximum 60 percent permitted for residential use.

A third floor and a building height of fifty feet are permitted by the zoning.

Alternatively, the applicant could reduce the size of the proposed third floor, providing one instead of the two residential units on the third floor and provide the required rear yard while not exceeding the total FAR of 3.0. The size and shape of the lot does not preclude the expansion of the building, but the zoning limits the amount of the expansion, as it does in all zone districts.

#### **ii. No Substantial Detriment to the Public Good**

The subject property abuts a five-story building to the east and a two-story row house with a rear yard to the north. The addition of a third floor with one hundred percent lot occupancy, increasing the FAR to 3.0, would result in the construction of a three-story, thirty-foot high structure along the southern lot line of the row house to the north, walling in one side of that property along its rear yard.

#### **iii. No Substantial Harm to the Zoning Regulations**

Increasing the FAR to 3.0 would increase the density of the subject property by twenty percent over that typically expected within the C-2-A zone. Although a FAR of 3.0 is permitted within the C-2-A through a PUD or when affordable units are provided pursuant to Inclusionary Zoning (IZ), in this case the proposal does not meet requirements for the IZ program.

### **b. Variance Relief from § 2101, Off-Street Parking**

#### **i. Exceptional Situation Resulting in a Practical Difficulty**

The subject property is a corner lot developed with one-hundred percent lot occupancy and no alley access. It is not possible to provide parking on the site without the removal of the existing structure, which would be an exceptional situation resulting in a practical difficulty.

#### **ii. No Substantial Detriment to the Public Good**

The existing building provides no parking. Increasing the number of dwelling units to either three or four would result in a parking requirement of two. Off-street parking could only be

provided through the installation of a curb cut on a corner property less than thirty feet from an intersection, and the introduction of vehicles crossing a public sidewalk.

**iii. No Substantial Harm to the Zoning Regulations**

The location of the subject property has a Walkscore<sup>1</sup> of 93, indicating that daily errands do not require a car, and excellent transit. As such, the need to own a car, and the need for off-street parking, is lessened.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.

**VI. COMMUNITY COMMENTS**

No comments were received from ANC 6B.

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<sup>1</sup> [www.walkscore.com](http://www.walkscore.com)

Attachment: Location Map

